IN THE HIGH COURT OF JUDICATURE AT BOMBAY
VPH **ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION PETITION (L) NO.322 OF 2007

Sohail Maklai Entertainment P. Ltd. ... Petitioner
V/s.
Adlabs Film Ltd. & Others. ... Respondents

Mr. A. Y. Bookwala, Sr. counsel, a/w Biren Saraf i/b M/s. Ranjit & Co. for the petitioner.

Mr. Viraag Tulzapurkar, Sr. Counsel a/w. Mr. Amit Naik, Advocate i/b Naik Iyer & Co. for respondent No.1.

Mr. Ravi Kadam, Advocate Geneal a/w Ms. Priya Ranade, i/b Mr. Vivek Phadke, for Respondent No.2.

Mr. J. J. Bhatt, Sr. counsel a/w Mr. V. R. Dhond i/b M/s. Prakash & Co. for Respondent No.3.

CORAM : ANOOP V. MOHTA, J.

DATED : 25th June, 2007

P.C.

. Admittedly, in Arbitration Petition No.123 of 2007, except respondent No.1, the parties to the film completion agreement dated 27th July 2006, agreed and the Arbitral Tribunal has been constituted of Hon. Justice Tipnis(Rtd.).

2. The petitioner is also party to said Arbitration Proceeding & also to the earlier agreement dated 19th July 2006 with respondent No.1 to 3. Admittedly, the petitioner’s application for a relief which is also similar to prayer Cl. (b), is pending

before the Arbitral Tribunal. The learned counsel for petitioner, therefore, is not pressing this prayer, in the present petition.

3. After hearing both the parties at length, the learned Senior Counsel Mr. Viraag Tulzapurkar, on insructions agreed to refer the dispute, arisen out of agreement dated 19th July 2006 to the same Arbitral Tribunal. The other parties have no objection for the same. In view of this, the dispute is also referred to the Tribunal for adjudication.

4. The learned counsel for the petitioner based on the averments and in view of the submissions made in reference to Clause 5 & 9 of the agreement, submitted that there is an urgency in the matter and therefore, appropriate interim order be passed even if the matter has been referred to the Tribunal.

5. Considering the facts & circumstances of the case, I am of the view that as parties have agreed to refer the dispute to the Arbitral Tribunal, arising out of agreement dated 26th July 2006 and 19th July 2006, it is desirable that the Arbitral Tribunal to pass appropriate ad-interim order, if any, in view of

the alleged urgency.

6. Mr. Viraag Tulzapurkar, the learned senior counsel for respondent No.1, Mr. Ravi Kadam, Advocate General for respondent No.2, and Mr. J. J. Bhatt, the learned senior counsel for respondent No.3 have agreed, based on instruction, that the respective parties shall appear before the Tribunal tomorrow i.e. on 26th June 2007 at 12.00 Noon.

7. As agreed by the learned senior counsel appearing for the parties, the present Arbitration Petition No. 322 of 2007 treated as application under Section 17 of the Arbitration & Reconciliation Act 1996.

8. The learned Arbitrator being in command of the Arbitration Proceeding may pass appropriate orders, in the circumstances.

9. In view of this, the petition is disposed off.

10. No costs.

11. Parties to act on the authenticated copy of

this order.

Sd/-
[ANOOP V. MOHTA, J.]